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09/526,100	03/15/2000	Steven Sheppard	6019.3026	9168

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EXAMINER

USTARIS, JOSEPH G

ART UNIT PAPER NUMBER

2617

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/526,100

Applicant(s)

SHEPPARD ET AL.

Examiner

Joseph G. Ustaris

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 and 11-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Response to Amendment***

1. This action is in response to the Appeal Brief dated 11 July 2005 in application 09/526,100. Claims 1-9 and 11-45 are pending.

In view of the Appeal Brief filed on 11 July 2005, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

A handwritten signature in black ink, appearing to read "C. Kelley", is written above the printed name.

Christopher Kelley

***Claim Objections***

2. Claim 33 is objected to because of the following informalities: line 11 recites "a video processor, located the residential gateway". Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 39 and 41-43 are rejected under 35 U.S.C. 102(e) as being anticipated by Martinez (US005812184A).

Regarding claim 39, Martinez discloses the IR module 24 (optical receiver for decoding the...corresponding pulse train) sends the optical signal to an AND gate 59 (bias switch...to the pulse train) and the signal is sent to the modulator 65 and oscillator 63 (column 9, lines 8-20, figure 6); the combination of the modulator 65, oscillator 63, and crystal 61 reads on the claimed oscillator that modulates a signal to produce an RF signal. The AND gate receives pulse trains from the optical receiver 24 that are logic high "1's" and output the logic high to the modulator 65, then the modulator 65, oscillator 63, and crystal 61 responds to the logic high pulse train and convert the signal into an

electrical signal, which meets the limitation on the optical receiver and the oscillator coupled to the bias switch.

Martinez discloses the TRM 22 connects to the television (column 8, lines 21-41; figures 4, 5). Martinez discloses an isolator 47 (column 9, lines 8-20), which meets the limitation on a diplex filter injecting in the direction of the residential gateway.

Regarding claim 41, Martinez discloses the TRM 22 (optical conversion device, figures 6 & 4) is connected to a TV via converter box 18 and the user uses remote control 20 (column 8, lines 21-41); the receiver 49 of the TRM 22 detects the channel in which the receiver is tuned (column 8, lines 42-64), which meets the limitation on controlling the channel selection with the remote control.

Regarding claim 42, Martinez discloses the RF carrier generated by the oscillator 63 and crystal 61 is sent downlink on the cable 7 (media) via isolator 47 (diplexer filter) (column 9, lines 8-20). Martinez discloses the cable 7 connects to the CATV converter (figure 6) and the CATV converter is placed on top of the TV (figure 4) and receives signals from a network (figure 5), which meets the limitation on the diplexer filter injects the RF signal onto the media in the direction of the direction of a residential gateway that controls communications between the television and a telecommunications network.

Regarding claim 43, Martinez discloses the stand-alone response module 22 is placed on top of TV and uses a coaxial cable (figures 4, 5; column 8, lines 22-41).

Regarding claims 44, the limitations in claim 44 have been met in claims 39 and 41-43 rejections.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 40 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martinez (US005812184A).

Regarding claim 40, Martinez fails to disclose an attenuator connected between an oscillator and diplexer.

The examiner takes Official Notice that attenuators are notoriously well known in the art for attenuating a signal. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Martinez to have a attenuator between the oscillator and the diplexer filter in order to limit the signal coming into the oscillator to prevent the diplexer filter from injecting too large of a signal to the residential gateway.

Regarding claim 45, the limitations in claim 45 have been met in claim 40 rejection.

Claims 1-8, 9, 11, 14-17, 20-33, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeRodeff et al. (US005828403A) in view of Granger (US005483277A).

Regarding claim 1, DeRodeff et al. (DeRodeff) discloses a system for "receiving, decoding, and distributing video signals from a telecommunications network to a plurality of televisions locatable in at least two separate locations via a residential gateway" (See Fig. 1). The set-top box or "residential gateway" (See Fig. 1, set-top box 14) receives "channel selects commands" from remote controls associated with the plurality of televisions (See Fig. 1; column 3 lines 51-61 and column 7 lines 17-28). Furthermore, the set-top box is a "unitary device" (See Fig. 1). The set-top box "receives a video signal from the telecommunications network" (See Fig. 1, elements 15 and 20), "transmits the video signal to a video processor" (See Fig. 1, element 22) that processes the video signal to produce television signals that correspond to the selected channel of the user. The set-top box "transmits the television signals to the respective televisions" (See Fig. 1; column 3 lines 35-50). However, DeRodeff does not disclose that the set-top box directly receives a channel select command from an optical remote control associated with a television located in close proximity to the residential gateway.

Granger discloses a set-top converter that is able to distribute signals to a plurality of devices, e.g. a TV and VCR (See Fig. 2 and 5A). The set-top converter is able to directly receive infrared signals from an "optical remote control device" (See Fig. 2, remote control 16) that is associated with the television connected to the set-top converter box, where the television is located in close proximity to the set-top converter (See Fig. 2 and 5A; column 2 lines 31-37). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the set-top box disclosed by DeRodeff to include a remote control receiver that directly receives a

channel select command from an optical remote control and to transmit the television signals to a television located in close proximity to the set-top box, as taught by Granger, in order to expand the capabilities of the set-top box thereby enabling the set-top box to serve more television as well as other devices.

Regarding claim 2, the set-top box has an optical receiver (See Granger Fig. 2, remote control receiver 18), where it receives infrared signals.

Regarding claim 3, the set-top box receives channel select commands for television remotely located from the set-top box over coaxial cable or "media" connecting the remotely located televisions to the set-top box (See DeRodeff Figs. 1 and 5, coaxial cable 25).

Regarding claim 4, DeRodeff discloses remote interface units 18 or "optical receivers" that are located in close proximity to and coupled to the remotely located televisions (See DeRodeff Fig. 1) that receive infrared signals from remote controls as discussed in claim 1 above. The remote interface units transmit the commands as RF signals to the set-top box over the coaxial line (See DeRodeff Figs. 1 and 5). However, DeRodeff in view of Granger does not explicitly disclose generating a demodulated pulse trains and generating corresponding RF signals from the pulse trains.

Official Notice is taken that it is well known to transmit signals digitally, where inherently digital signals are pulse trains of logical ones and zeros. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the control signals sent from the user's remote control to the set-top box disclosed by DeRodeff in view of Granger to be digital signals thereby producing a pulse



train used to generate the corresponding digital RF signals in order to provide a more efficient means of delivering signals that is less susceptible to transmission error due to transmission loss.

Regarding claim 5, the RF demodulator 70 of the set-top box inherently has a "remote antennae module" in order to successfully receive the RF signals that are transmitted over the coaxial line or "media" and extract the commands from the RF signal (See DeRodeff Fig. 5, RF demodulator 70). Once the channel commands are extracted from the RF signal, the RF demodulator 70 transmits the commands to other components within the set-top box or "residential gateway" (See DeRodeff Figs. 1 and 5).

Regarding claim 6, the media is a coaxial cable (See DeRodeff Fig. 1, coaxial line 25; column 5 lines 18-24 and column 7 lines 7-16).

Regarding claim 7, the RF demodulator 70 also serves the purpose of the "media interface device" where it is coupled to the remote interface unit via coaxial line to receive the RF signals and extract the commands from the RF signal (See DeRodeff Figs. 1 and 5, RF demodulator 70). Once the channel commands are extracted from the RF signal, the RF demodulator 70 transmits the commands to other components within the set-top box or "residential gateway" (See DeRodeff Figs. 1 and 5).

Regarding claim 8, the remote controls are infrared remote controls that transmit infrared signals (See DeRodeff column 7 lines 17-28).

Claim 9 contains the limitations of claims 1 and 2 (wherein the set-top box is the "residential gateway") and is analyzed as previously discussed with respect to those

claims. Furthermore, DeRodeff in view of Granger discloses a "remote control processor" that processes the channel select commands (See DeRodeff Figs. 1 and 5, control module 26), a "network interface module" that receives video signal (See DeRodeff Fig. 1, network interface module 20), a "video processor" that processes the video signals to produce television signals (See DeRodeff Fig. 1, video processing module 22). Inherently the "network interface module" has a "transmitter" in order to successfully deliver the video signal to the "video processor" (See DeRodeff Fig. 1).

Regarding claim 11, DeRodeff also discloses "optical conversion devices" that are in close proximity to and coupled to televisions remotely located from the set-top box (See DeRodeff Figs. 1 and 6, remote interface unit 19). The remote interface unit receives optical signals that represent the channel selection of the user from an optical remote control, converts the optical signal to RF signals, and transmits the RF signals to the set-top box over the coaxial cable (See DeRodeff Figs. 1 and 6; column 3 lines 35-61 and column 7 lines 16-28).

Regarding claim 14, the RF demodulator 70 of the set-top box inherently has a "remote antennae module" in order to successfully receive the RF signals over the coaxial line and extract the commands from the RF signal (See DeRodeff Fig. 5, RF demodulator 70).

Regarding claim 15, the media is a coaxial cable (See DeRodeff Fig. 1, coaxial line 25; column 5 lines 18-24 and column 7 lines 7-16).

Regarding claim 16, the "remote antennae module" disclosed in the reference of DeRodeff inherently extracts channel select commands at a frequency, however, the

exact value of the frequency is undisclosed by DeRodeff and Granger. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify DeRodeff in view of Granger to have a 1 KHz signal in order to use a non-allocated FCC frequency that does not interfere with consumer frequencies (i.e. radio, television).

Regarding claim 17, the RF demodulator 70 also serves the purpose of the "media interface device" where it is coupled to the remote interface unit via coaxial line to receive the RF signals and extract the commands from the RF signal (See DeRodeff Figs. 1 and 5, RF demodulator 70).

Regarding claim 20, the receiver (See Granger Fig. 2, remote control receiver 18) and the media interface device (See DeRodeff Fig. 5, RF demodulator 70) is directly connected to the set-top box.

Claim 21 contains the limitations of claims 1 and 9 (wherein all communications between the devices and the telecommunications network pass through the set-top box (See DeRodeff Fig. 1)) and is analyzed as previously discussed with respect to those claims. Furthermore, the set-top box transports the "channel select commands" to the network interface module 20 in order to successfully transmit the "channel select commands" to the telecommunications network (See DeRodeff Fig. 1; column 2 lines 46-60 and column 3 lines 51-61).

Regarding claim 22, DeRodeff in view of Granger discloses that the television is connected to set-top box via coaxial cable or video out output (See DeRodeff Fig. 1 and Granger Fig. 2). However, DeRodeff in view of Granger does not disclose the use of S-

video cables. The examiner takes Official Notice that media such as S-video cables are notoriously well known in the art for being compatible with NTSC signals. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify DeRodeff in view of Granger to have S-video cables in order to provide more compatibility for receiving NTSC signals.

Regarding claim 23, the limitations of the "optical conversion device" in claim 23 have been met in claims 11, 14, and 21 rejections.

Regarding claim 24, the limitations in claim 24 have been met in claims 1-2 and 21 rejections.

Regarding claim 25, the limitations in claim 25 have been met in claims 3 and 21 rejections, wherein the user uses a remote control to transmit infrared signals to the remote interface unit 18.

Claim 26 contains the limitations of claims 4 and 25 and is analyzed as previously discussed with respect to those claims.

Claim 27 contains the limitations of claims 5 and 26 and is analyzed as previously discussed with respect to those claims.

Regarding claim 28, the RF demodulator 70 or "media interface device" inherently has a "remote antennae module" in order to successfully receive the RF signals over the coaxial line and extract the commands from the RF signal (See DeRodeff Fig. 5, RF demodulator 70).

Regarding claim 29, DeRodeff in view of Granger discloses that the television is connected to set-top box via coaxial cable or video out output (See DeRodeff Fig. 1 and

Granger Fig. 2). However, DeRodeff in view of Granger does not disclose the use of S-video cables or S-video signals. The examiner takes Official Notice that media such as S-video cables and S-video signals are notoriously well known in the art for being compatible with NTSC signals. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify DeRodeff in view of Granger to have S-video cables and use S-video signals in order to provide more compatibility for receiving NTSC signals.

Claim 30 contains the limitations of claim 1, 9, 21, and 23-25 and is analyzed as previously discussed with respect to those claims.

Claim 31 contains the limitations of claim 1, 9, 21, 23-25, and 30 and is analyzed as previously discussed with respect to those claims. The set-top box includes a "network interface module" (See DeRodeff Fig. 1, 20), a "video processor" (See DeRodeff Fig. 1, 22), a "remote control module" (See DeRodeff Fig. 1, 26), and a "wireless receiver" (See Granger Fig. 2, 18) that receives infrared signals.

Claim 32 contains the limitations of claims 11, 14, and 31 and is analyzed as previously discussed with respect to those claims.

Claim 33 contains the limitations of claim 1, 9, 21, 23-25, and 31 (wherein television located in close proximity to the set-top box is not connected to a remote interface unit because the set-top box can receive command signal via remote control receiver as taught by Granger) and is analyzed as previously discussed with respect to those claims. Furthermore, once the channel commands are extracted from the RF

signal, the RF demodulator 70 transmits the commands to other components within the set-top box or "residential gateway" (See DeRodeff Figs. 1 and 5).

Regarding claim 36, the RF demodulator 70 or "media interface device" inherently has a "remote antennae module" in order to successfully receive the RF signals over the coaxial line and extract the commands from the RF signal (See DeRodeff Fig. 5, RF demodulator 70).

Claims 12, 13, 34, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeRodeff et al. (US005828403A) in view of Granger (US005483277A) as applied to claims 1-8, 9, 11, 14-17, 20-33, and 36 above, and further in view of Martinez (US005812184A).

Regarding claims 12, as disclosed in claim 4 rejection, DeRodeff in view of Granger discloses an "optical receiver for detecting the optical signal and generating a corresponding pulse train". However, DeRodeff in view of Granger does not disclose a bias switch turning on and off an oscillator and the oscillator producing a modulated RF signal and turning on and off in response to the switch.

Martinez discloses the IR module 24 (optical receiver. . . corresponding pulse train) sends the optical signal to an AND gate 59 (a bias switch. . . response to the pulse train) and the signal is sent to the modulator 65 and oscillator 63 (column 9, lines 8-20, figure 6); the combination of the modulator 65, oscillator 63, and crystal 61 reads on the claimed oscillator that modulates a signal to produce an RF signal. The AND gate receives pulse trains from the optical receiver 24 that are logic high "1's" and output the

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logic high to the modulator 65 (part of the claimed oscillator) and the modulator 65, oscillator 63, and crystal 61 responds to the logic high pulse train and convert the signal into an electrical signal, which meets the limitation on the bias switch and the oscillator coupled to the bias switch.

Martinez discloses the TRM 22 connects to the television (column 8, lines 21-41; figures 4, 5). Martinez discloses an isolator 47 (column 9, lines 8-20), which meets the limitation on a diplex filter injecting in the direction of the residential gateway.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify DeRodeff in view of Granger to have a bias switch driving an oscillator in response to pulse trains as taught by Martinez in order to synchronize the oscillator to the pulse trains.

Regarding claim 13, Martinez suggests an attenuator with the disclosure of an isolator 47 (column 9, lines 8-20); an isolator is a form of an attenuator. However, DeRodeff in view of Granger in further view of Martinez does not disclose an attenuator between the diplexer filter and the oscillator. The examiner takes Official Notice that attenuators are notoriously well known in the art for attenuating a signal. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify DeRodeff in view of Granger in further view of Martinez to have a attenuator between the oscillator and the diplexer filter in order to limit the signal coming into the oscillator to prevent the diplexer filter from injecting too large of a signal to the set-top box or "residential gateway".

Claim 34 contains the limitations of claims 12 and 33 and is analyzed as previously discussed with respect to those claims.

Claim 35 contains the limitations of claims 13 and 34 and is analyzed as previously discussed with respect to those claims.

Claims 18 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeRodeff et al. (US005828403A) in view of Granger (US005483277A) as applied to claims 1-8, 9, 11, 14-17, 20-33, and 36 above, and further in view of Budow et al. (US005521631A).

Regarding claim 18, DeRodeff in view of Granger does not disclose a diplexer.

Budow discloses a diplexer located within a room terminal 15 (residential gateway) (column 14, lines 34-43). Budow discloses a diplexer 405 is used to pass the television signals (other signals) directly to the TV (column 14, lines 44-50, figure 5), which meets the limitation on the media interface device includes a diplexer for extracting other signals from the media. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify DeRodeff in view of Granger to have a diplexer in the set-top box as taught by Budow in order to pass the television signals directly to the TV.

Claim 37 contains the limitations of claims 18 and 33 and is analyzed as previously discussed with respect to those claims.



Claims 19 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeRodeff et al. (US005828403A) in view of Granger (US005483277A) and in further view of Budow et al. (US005521631A) as applied to claims 18 and 37 above, and further in view of Flickinger et al. (US005901340A).

Regarding claim 19, DeRodeff in view of Granger and in further view of Budow does not disclose a balun.

Flickinger discloses a wall outlet (residential gateway) comprising of a balun that impedance matches (column 3, lines 7-20), which meets the limitation on a balun that impedance of a subset of the other signals can be adjusted so that the subset of the other signals can be processed by the gateway. Flickinger discloses in addition to receiving video signals from the VCR 24, the classroom receives video signals from an external source (column 3, lines 38-49). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify DeRodeff in view of Granger and in further view of Budow to have a balun as taught by Flickinger in order to impedance match the signals.

Claim 38 contains the limitations of claims 19 and 38 and is analyzed as previously discussed with respect to those claims.

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1-38 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments filed 11 July 2005 have been fully considered but they are not persuasive.

Applicant argues with respect to claims 39-45 that Martinez does not disclose a bias switch that turns on and off in response to a pulse train since the bias switch is "dependent to the turning on and off of the pulse train generated by the optical receiver", whereas the AND gate in Martinez is "dependent on a plurality of factors". The examiner respectfully disagrees with this assertion. The examiner interprets the claim broader than the interpretation of the applicant. Martinez discloses the IR module 24 (optical receiver for decoding the . . . corresponding pulse train) sends the optical signal to an AND gate 59 (bias switch. . . to the pulse train) and the signal is sent to the modulator 65 and oscillator 63 (column 9, lines 8-20, figure 6). The AND gate receives pulse trains from the optical receiver 24 that are logic high "1's" which reads on turning on the gate (bias switch). The AND gate receiving a logic low "0's" reads on turning of the gate (bias switch).

Applicant is reminded that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please take note of Schuchman et al. (US005640453A) for their similar system of using a residential gateway to serve a plurality of devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph G. Ustaris whose telephone number is 571-272-7383. The examiner can normally be reached on M-F 7:30-5PM; Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JGU

November 1, 2005



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